

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3243 of 1992

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

G. S. R. T.

Versus

DEVABHAI M. BAGDA

Appearance:

MR HARDIK C RAWAL for Petitioner No. 1

MR MUKESH H RATHOD for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 28/06/2004

ORAL JUDGEMENT

1.0 This petition is at the instance of the Gujarat State Road Transport Corporation against the judgement and award dated 15.5.1991 passed by the Labour Court, Bhavnagar, in Reference (LCB) No.200/90.

2.0 The respondent workman was serving as Conductor with the petitioner Corporation. On 24th September 1986 on a surprise checking it was found that the respondent workman had collected fare from three groups of passengers, but had not issued tickets in their favour. It was therefore alleged that he had misappropriated public funds causing loss of revenue to the Corporation.

A regular departmental enquiry was held against the respondent in which the Enquiry Officer found the workman guilty of the charges levelled against him. Thereafter, after giving an opportunity of hearing, the service of the respondent came to be terminated by order dated 26th February 1998. The appeal filed against the said order also was dismissed by the Appellate Authority.

2.1 The respondent, therefore, approached the Labour Court by filing Reference (LCB) No.200/90. The Labour Court by judgement and award dated 15th May 1991 directed reinstatement of the respondent workman with backages. It is against the said judgement and award the present petition has been preferred by the Corporation.

3.0 Heard the learned counsel and perused the relevant documents on record. Looking to the overall facts and circumstances of the case, and especially the charges levelled against the respondent at Annexure-F to the petition, the interest of justice would be met if penalty of one increment with future effect is imposed upon the respondent workman.

4.0 In the result, the petition is partly allowed. On the facts and circumstances of the case, a penalty of stoppage of one increment with future effect is imposed upon the respondent-workman. The judgement and award of the Labour Court is modified to the above extent. Rule is made absolute accordingly with no order as to costs.

[K.S. JHAVERI, J.]

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